

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/124,642 07/29/98 NI

J 423903P6189

WM02/0731

EXAMINER

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GHAYOUR, M

ART UNIT	PAPER NUMBER
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2634

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DATE MAILED:

07/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/124,642	Applicant(s) Jie Ni et al.
Examiner Mohammad Ghayour	Art Unit 2634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 29, 1998

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application. 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration. 5)  Claim(s) \_\_\_\_\_ is/are allowed. 6)  Claim(s) 1-19 is/are rejected. 7)  Claim(s) \_\_\_\_\_ is/are objected to. 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.  
10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.  
12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-152)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement submitted on 7/29/1998 has been considered and made of record by the examiner.

### ***Claim Objections***

2. Claims 1-19 are objected to because of the following informalities: the claims section of the application should start with a phrase such as --what is claimed is-- or --what we claim is--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8, line 2 recites "end end". It is obvious that one of the "end" is extra; however, "applying a hysteresis sub-process at ...end" is not clear. That is "applying ..." at the end what? (i.e. at the end of transmission ?, at the end of synch. characters?, ...).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al. (US Patent 6,011,821) in view of Olafsson (US Patent 6,081,567). As to claims 1, 10, and 16, Sauer et al. disclose under what conditions, in a communication system, a synchronization or resynchronization is required such as the loss of reception (see col. 3, lines 7-15). On the other hand, Olafsson discloses, in the same field of endeavor, that upon the determination that the synchronization is lost between two ends (two modems) a repetition of a known set of symbols (i.e. predetermined characters) is transmitted from one end (i.e. one of the modems) to the other

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end until synchronization is regained (i.e. the two ends are resynchronized). See col. 11, lines 8-50. Therefore, it would have been obvious to one of ordinary skill in the art to, upon the loss of reception, repeatedly transmit a sequence of known characters from one end of communication network to the other end so that the other end receive the known characters and based on the recognition of the known characters synchronizes its reception to the transmission of the other end and vice versa, because only a sequence known characters between the ends can synchronize the transitions of the clock signals of the two ends with the reception of data transfer between the two ends. As to claims 2, 3, 11, 12, and 15, the type of character (for example 0 or 1 or any alphanumeric combination) and/or the number of successive sequences (for example a string of ones or zeros or a combination of ones and zeros and the number of time a sequence being sent) being transmitted for the purpose of synchronization or resynchronization are well known or a matter of common knowledge (see any frame of data containing synchronization bit, preamble bits, ... etc.). As to claim 4, the examiner takes official notice that the loss of synchronization indicators (either in terms of sounding an alarm or internal signaling) is well known in the art. As to claims 5, 6, 13, and 14, the recited limitations are well known to those skilled in the art as "an acknowledgement" signal which is transmitted by a receiving unit to a transmitting unit, in terms of either a predetermined sequence or any other type of signaling, when either the correct data is received or synchronization is obtained. As to claims 7, and 9 Sauer et al. teaches using different time windows for receiving and detection of expected signal before it generates an error signal or when three successive frames are absent within a certain time period (see col. 3, lines 19-59).

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Therefore, such time windows for receiving a certain number of characters or detection schemes similar to the ones recited in claims 7 and 9 are well known or a matter of common knowledge in the art. As to claim 8, assuming the rejection of 112, 2nd is overcome, Sauer teaches that after synchronization is achieved, if an error occurs (invalid data, for example) a reset process is applied at that end (the modem's end) until the error is no longer present (see col. 3, lines 24-30). As to claims 17-19, the recited compatibility or lack of compatibility with various standards and specifications are part of systems design criteria and choices as is common in many networks.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 5,602,880 and 4,807,248.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ghayour whose telephone number is (703) 306-3034. The examiner can normally be reached on Monday-Thursday from 8.30AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703) 305-4714. The fax phone number for this group is (703) 308-6743.

Any inquiry of general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 305-4700.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-6743, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Mohammad Ghayour

Patent Examiner

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MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER